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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,301	02/18/2002	John Eric Arnold	DN1999215USA	2013

7590 07/08/2004

The Goodyear Tire & Rubber Company
Patent & Trademark Department D823
1144 East Market Street
Akron, OH 44316-0001

EXAMINER

TORRES, MELANIE

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,301

Applicant(s)

ARNOLD, JOHN ERIC

Examiner

Melanie Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geno et al. in view of Robinson.

Re claims 1, Geno et al. teaches an airspring comprising a flexible cylindrical sleeve having a first and second end, a retainer secured to one of the ends of the sleeve. However, Geno et al. does not teach a tag made from a sheet material, the improvement comprising a portion of the tag being non-removably secured between a sleeve and a retainer. Robinson teaches a tag (2) made from a sheet material, the improvement comprising a portion of the tag being non-removably secured between a sleeve (1) and a retainer (5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the tag of Hofe on the air spring of Geno et al. to provide identification for the manufactured part.

Re claim 2, Geno et al. as modified does not teach wherein the tag is of a flexible plastic or elastomeric material. The examiner takes official notice that tags are known in the art to be made of flexible plastic for their resilience.

Re claims 3 and 9, Geno et al. as modified teaches wherein a portion of the tag that is secured between the sleeve and the retainer, prior to being secured between the sleeve and the retainer, has a shaped configuration corresponding to the shaped configuration of the sleeve end.

Re claims 4 and 10, Geno et al. as modified teaches wherein the tag, prior to being secured between the sleeve and the retainer, has a molded circumferential curvature corresponding to the outer curvature of the cylindrical sleeve.

Re claim 5, Geno et al. as modified teaches wherein the tag is provided with indicia in a manner which will last the lifetime of the airspring.

Re claim 6, Geno et al. as modified teaches wherein the indicia is presented in an alphanumeric manner or as a bar code.

Re claim 7, Geno et al. as modified teaches wherein the indicia is formed by imprinting the indicia on the tag.

3. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geno et al. in view of Robinson and further in view of Brewster.

Re claim 8, Geno et al. as modified does not teach wherein the color of the tag contrasts with the color of the air sleeve. It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to have made the color of the tag contrast with the color of the airsleeve because elastomeric airsleeves are well known as being inherently black. Further, Brewster teaches wherein identification tags can be color coded in order to provide a distinctive appearance. (Column 6, lines 18-20) Therefore, it is the examiner's position that making a tag and an airsleeve of contrasting colors is well known in the art.

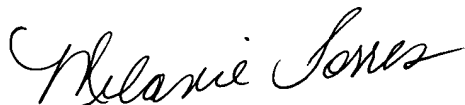
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (703)305-0293. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703)308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Melanie Jones".

MT

June 25, 2004